IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:05CV506

BARRY W. THOMAS,	)	
Plaintiff,	)	
	)	
v.	)	**NOTICE OF VOLUNTARY**
	)	**DISMISSAL BY PLAINTIFF**
ALLTEL COMMUNICATIONS,	)	
INC., et al.,	)	
Defendants.	)	
	)	

Plaintiff Barry W. Thomas ("Thomas"), pursuant to Fed. R. Civ. P. 41(a)(1)(i), hereby gives notice that the action against QWEST COMMUNICATIONS INTERNATIONAL INC. ("Qwest") is dismissed without prejudice.

Neither an answer to the Complaint nor a motion for summary judgment has been served by Defendant Qwest.

This, the 23rd day of February, 2006.

Respectfully submitted,

s/ James M. Harrington
James M. Harrington
N.C. State Bar No. 30005
The Harrington Practice PLLC
1905 J.N. Pease Place, Suite 202
Charlotte, NC 28262
Telephone: (704) 717-8767
Facsimile: (704) 717-8768
E-mail: jharrington@hprac.com
Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing **Notice of Voluntary**

Dismissal by Plaintiff is being served upon counsel of record with the Clerk of the Court using

the CM/ECF system, which will send notification of the filing to the following:

- **A. Todd Capitano**
  tcapitano@bcandm.com
- **Daniel A. DeVito**
  ddevito@skadden.com
- **Marti Alan Johnson**
  marjohns@skadden.com mowalton@skadden.com
- **William Carter Mayberry**
  bill.mayberry@hmw.com deborah.schneider@hmw.com
- **Amy M. Watson**
  awatson@troywatson.com

Counsel not yet having made an appearance on behalf of Defendant QWEST

COMMUNICATIONS INTERNATIONAL INC., service of same is being made upon

Defendant QWEST COMMUNICATIONS INTERNATIONAL INC. by U.S. mail addressed to:

Mr. Richard Notebaert
Qwest Communications International Inc.
1801 California Street
Denver, CO 80202

This, the 23rd day of February, 2006.

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s/ James M. Harrington
James M. Harrington
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Charlotte, NC 28262
Telephone: (704) 717-8767
Facsimile: (704) 717-8768
E-mail: jharrington@hprac.com
Attorney for Plaintiff

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